

REMARKS

Reconsideration of the above-identified patent application in view of the remarks following is respectfully requested.

Claims 1-22 are in this case. Claims 1-9 and 16-22 have been rejected under § 102(b). Claims 10-15 have been objected under § 103(a). The Examiner's rejection is respectfully traversed. While continuing to traverse the rejection, the applicants have amended independent claims 1, 11 and 16 and dependent claims 6,14,17,21 and 22 to more distinctly differentiate them from the prior art cited by the Examiner. Support for the amendment of independent claims 1, 11 and 16 may be found in the paragraph starting on p. 7, line 18 of the specification. Amendments in claims 21 and 22 reflect corrections of errors in the original claims. Claims 2-5,18 and 19 have been cancelled.

§ 102(b) Rejections

The Examiner has rejected claims 1-9 and 16-22 as being anticipated by Lund, US patent No. 4,945,942. The Examiner's rejection is respectfully traversed.

With reference to claims 1-9, amended claim 1 of the present invention recites an element (c): a "water delivery device coupled to said piping system and configured to allow internal circulation of water from said hot to said cold pipe through a circulation mechanism included in said water delivery device, said circulation performed prior to delivery of water at a desired temperature to the user". The water delivery device is a faucet (page 2, line 4 of the specification). Lund's system clearly does not have a faucet (or in his terminology a "fixture") that *includes a circulation mechanism* and is configured to allow *internal* circulation of water from a hot pipe to a cold pipe. Figures 1 and 2 in Lund, as well as his entire specification, and in particular his detailed description starting in column 3, line 29 therein, clearly show that his system has a pump 30 that circulates the water in pipe 16 to fixtures (faucets) 18, 2, 22 and 24 only when water is drawn from these fixtures (col. 3, lines 67 to col. 4, line 3). Pump 30 is equivalent to the pump in element (b) of claim 1 of the present invention, and *not* to the "circulation mechanism" included in a faucet. The circulation mechanism recited in amended claim 1 of the present invention is *not* a pump, but a mechanism that is part of the faucet, as clearly described throughout the specification.

Moreover, as recited in claim 6, this circulation mechanism of the present invention includes hot and cold water valves, at least one temperature sensor and a controller, which turns the faucet into a "smart" faucet. The controller, included in the faucet, is responsive to inputs from the at least one temperature sensor and operative to actuate the hot and cold water inlet valves and the pump to obtain the water circulation and delivery.

Lund's figures and specification clearly show that his fixtures (faucets) are regular fixtures connected to two pipes, without any self-circulation (internal to the fixture) capability. To emphasize, a fixture in Lund's patent does not have a circulation mechanism included in it, and *mutatis mutandis* does not include smart valves, a temperature sensor and a controller included in such a circulation mechanism. Therefore, Lund does not anticipate the system of the present invention as claimed in claims 1-9.

With reference to claims 16-22, amended claim 16 is of a water delivery device (faucet or fixture) that comprises as element (d) a circulation mechanism operative to allow circulation of water from a hot water pipe to a cold water pipe prior to delivery of water at a desired temperature to a user through a first outlet, wherein said circulation mechanism further includes a controller responsive to inputs from at least one temperature sensor and operative to control said circulation.

A "fixture" in Lund's system does not have a circulation mechanism as claimed herein, and *mutatis mutandis* does not have a controller included in such a circulation mechanism, as explained in detail above. Therefore, Lund does not anticipate the water delivery device of the present invention as claimed in claims 16-22.


§ 103(a) Rejections

The Examiner has rejected claims 10 and 15 as being unpatentable over Lund in view of Rump, US Patent No. 6,019,130, and claims 11-14 as being unpatentable over Lund. The Examiner's rejection is respectfully traversed. As argued above with respect to claims 1-9, Lund does not anticipate the system claimed in claim 1, and therefore claim 10, being based on claim 1, cannot be rendered obvious in view of

Lund alone or Lund in combination with Rump. Amended claim 11 recites a step (b) of providing a water delivery device coupled to a piping system and configured to allow internal circulation of water from a hot to a cold pipe through a circulation mechanism included in the water delivery device. Since Lund's system does not include a circulation mechanism included in the water delivery device, the method recited in claim 11 would be impossible to perform with Lund's system. Therefore, Lund's method is completely unrelated to the method of the present invention, and most certainly does not render it obvious. Since we argue that claim 11 is not rendered obvious by Lund, claims 12-14 are similarly not rendered obvious by Lund. Claim 15, being based on claim 11 is therefore also not rendered obvious by Lund in view of Rump.

In view of the above amendments and remarks it is respectfully submitted that claims 1-22 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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